

**DEPARTMENT OF WATER RESOURCES
PUBLIC HEARING ON GRANT AWARD
FLOOD PROTECTION CORRIDOR PROGRAM**

RECIPIENT: COUNTY OF PLACER

LOCATION: PLANNING COMMISSION HEARING ROOM

OCTOBER 20, 2003 - 10:00 AM

Good morning members of the Board, ladies and gentlemen. Welcome to the Hearing on the Department of Water Resources decision to award THE COUNTY OF PLACER funding to proceed with it's application under the Flood Protection Corridor Program for the LAKEVIEW FARMS CONSERVATION PROJECT.

The purpose of today's hearing is to receive public comments concerning the intention of DWR to award \$325,000 to PLACER COUNTY to undertake THIS PROJECT.

My name is BONNIE ROSS. I represent DWR's Division of Flood Management in Sacramento. I'm responsible to conduct this Hearing and to represent the State of California. I will describe the nature, origin and authority of this program, and why the Review Panel chose this particular project for an award. Then, I will turn the proceedings over to Christopher Schmidt, representing Placer County, who will discuss the specifics of the project. Finally, we will open this meeting to the audience to state their questions and concerns. We are particularly interested in information that might bear on whether we should proceed to execute a funding agreement for this project (which is the same as final approval), or if there are concerns that can be mitigated, what would be appropriate conditions of approval to satisfy the concerns. The project sponsor has provided a note-taker, to record your concerns.

Let me please briefly cover some ground rules:

Please make sure you have signed the sheet at the entrance to the hearing hall. If you want to be kept informed of future developments, please provide mailing address and/or e-mail address.

Protocols for today's Hearing are simple. If you wish to speak please raise your hand or rise and come up to the microphone SO WE CAN HEAR YOU CLEARLY. Please identify yourself as you begin, so we can identify each speaker as we review the minutes.

Please avoid, when speaking, repeating the previous speaker's presentation.

If you have written comments, I will receive them after everyone that wants to has had a chance to speak.

If you have written comments and do not wish to present them, come to the front when I call for additional input, state your name and at least identify the material that you choose to enter in to the record.

You may submit a written statement on one of the comment sheets available, or in any other form that you wish.

Are there any other questions regarding this hearing procedure?

Additional introductions: _____

First, let me review the Flood Protection Corridor Program as envisioned by the State. It began with voter approval of the March 2000 Proposition 13. This portion of the Proposition provided funding for innovative projects that developed non-structural approaches to avoiding or reducing flood damages. Non-structural approaches to flood management include levee removal, levee setbacks, topographic re-contouring to provide additional floodplain area and additional transitory storage, widening of stormwater conveyance channels at the lower part of a drainage system to more rapidly drain water from the lower part of a system, removing structures from a floodplain, raising structures in a floodplain so they are above the anticipated highest flood elevation, and placing controls on land in floodplains to preclude development in areas that are difficult to protect against flooding. This project falls under this latter requirement. These flood management measures must be coupled with either agricultural land preservation or ecosystem restoration and preservation, or both.

In response to the 2002-2003 grant proposal solicitation, the State received and reviewed 45 applications requesting a total of \$143 million in funds. Through an intensive review, evaluation and ranking process, where review came from several panels of experts, representing a variety of professions and State agencies, 15 projects were placed on a "Priority" list. Participants on the Project Evaluation Team represented DWR, the Governor's Office of Emergency Services, the Department of Fish and Game, the Department of Conservation, and the Department of Food and Agriculture.

14 of the 45 projects have been recommended for all or partial funding, which at this juncture totals \$29.14 million dollars.

Christopher Schmidt, representing Placer County will now explain to you the proposed "scope of the work". Again, please hold your questions until the end of his presentation.

October 20, 2003

I'm Christopher Schmidt, Administrative Services Officer with the Natural Resources Division of the Placer County Planning Department. The Lakeview Farms Conservation Project is a proposal to acquire a conservation easement and protect the floodplain and wetland habitat resources on Lakeview Farms, a 138-acre property south and west of Sheridan along Coon Creek in western Placer County. The property APN is: 019-290-012.

The County's purchase of a floodplain conservation easement on this agricultural land is a part of a larger restoration effort at this site, through other funding sources, to restore the habitats on the site. Wetlands habitat will be reconstructed to the primary benefit of the numerous waterfowl and migratory birds that are found in the area. Easement acquisition and eventual restoration of Lakeview Farms will:

- Conserve 138 acres of agricultural land including 2,820 feet along Coon Creek
- Contribute to the permanent conservation of valley riparian and grassland habitats
- Create seasonal wetlands and meandering channels and year-round brood ponds
- Preserve open space, providing linkages with surrounding preserve areas
- Benefit migratory birds, fish and wildlife
- Preserve flood conveyance channel capacity and reduce the risk of flood damage
- Preserve the floodplain and agricultural land in an area of increasing development pressure

The project will be undertaken through a partnership between the Department of Water Resources (DWR), Lakeview Farms, the Sierra Business Council and Placer County. DWR will provide \$325,000 in funding towards the purchase of a conservation easement on the 138-acre parcel. Lakeview Farms, the property owner, is a willing seller of a conservation easement, and supports the restoration activities anticipated for the property.

The acquisition is being considered pursuant to the objectives of the Placer Legacy Open Space and Agricultural Conservation Program. The site is proposed to be converted to wetland, upland and riparian habitat as part of a project associated with the Lakeview Farms hunting club. Some amount of agricultural use will be associated with grazing of the site for grassland management. In addition to the conservation easement considered by the County, the property owner is also working the California Department of Fish and Game's Wildlife Conservation Board to obtain funding for a conservation easement on an additional 330 acres and funding for additional restoration work on the same 330 acres. If both conservation programs move forward the site will contain 467 acres of permanently protected habitat with ½ mile of frontage along the north side of Coon Creek.

Priority for Protection

County staff has reviewed the site and has concluded that the property should be acquired and protected through the purchase of a conservation easement. Before the staff provides a recommendation on an acquisition it is necessary for there to be an assessment of the parcel's ability to meet one or more of the Placer Legacy objectives. This can be a subjective assessment (e.g., scenic quality) or it can be based upon objective technical criteria (e.g., presence/absence of endangered species).

The Lakeview Farms property meets a number of program objectives. This ability to meet so many objectives gives the property a high priority ranking for acquisition just on the grounds of compatibility and consistency with Placer Legacy. The subject acquisition meets a number of implementation measures identified in the Placer Legacy program including the following:

- Work with farmers and ranchers to protect agricultural lands outside of designated development areas through the use of conservation easements.
- Prioritize the acquisition of agricultural property that contains multiple conservation values.
- Restore habitat for salmon, steelhead and amphibians in Auburn Ravine, Coon Creek and the Bear River.
- Protect expansive areas of grazing lands, which include oak woodland and grassland habitats.
- Enhance fragmented and degraded oak woodlands and riparian zones.
- Preserve high quality riparian habitat along Coon Creek and the Bear River.
- Restore stream channels and improve fish passage on Coon Creek.
- Improve riparian connectivity along lower Coon Creek.
- Work with landowners to ensure that private recreation facilities continue to be a viable land use.

- Work with property owners to restore flood plains and reduce encroachment of incompatible uses by increasing retention capacity and allowing streams to reclaim their natural course.

The project is occurring in an area of high biological value. Coon Creek is arguably the most important watershed in western Placer County in terms of watershed integrity, species richness, quality of existing habitat and restoration potential. The proposed restoration plan would reintroduce conditions appropriate to the floodplain of Coon Creek and the riparian corridor along the creek. This would represent one the first major restoration efforts along lower Coon Creek. This restoration effort is also entirely in keeping with the recommendations of the Auburn Ravine/Coon Creek Ecosystem Restoration Plan.

Lastly, the County has the ability to partner with public and private sector partners on completing the project. This avoids any one entity having to fully fund such an effort while accruing the benefits of the total project. Projects that are partnership based also are considered a higher priority for support.

DWR will provide \$325,000 in funding towards the purchase of a conservation easement on the 138-acre parcel. The Sierra Business Council is providing \$31,200 toward the purchase of the easement. Placer County will hold a permanent conservation easement on the property and will act as project manager. Total cost of the easement is \$356,200.

With that, I'd like to have the property owner, Don Norris of Lakeview Farms, present an overview of his operation and plans for the property.

Don Norris - Lakeview Farms:

PLACER LEGACY PROJECT AN OVERVIEW

LakeView Farms is in the business of conservation, agricultural production, habitat restoration, and wildlife management. We carefully balance our conservation and restoration programs with our agricultural programs and our outdoor recreational programs such as hunting & fishing. We farm rice, graze cattle, and raise pheasants, chukars, quail and fish. We offer hunting and fishing opportunities on our properties and are available to Placer schools and other community based organizations for tours and outdoor educational programs. To date, our projects have protected nearly two miles of the pristine waters of Coon Creek and hundreds of acres of valley oaks and vernal pools along the Coon Creek watershed. We have committed several hundred acres to floodwater management and transitory floodwater storage during the peak rainy seasons. We represent one of the single largest

privately owned blocks of valley foothill riparian habitat along the Coon Creek watershed today. The conservation easement acquisition we are discussing today will add another one-half mile of these same protections to the Coon Creek corridor in Placer County.

First and foremost, this conservation partnership will help manage floodwaters along the Coon Creek corridor in western Placer County by preserving and improving the Coon Creek floodplain. It provides for another 137 acres of floodwater protection along the Coon Creek corridor that will serve as a transitory water storage facility throughout the peak rainy seasons.

Operated as a hunting club, this site represents multiple objectives for the Placer Legacy program. This acquisition benefits a variety of wildlife species including amphibians, reptiles, birds and mammals. It will help to provide nesting and feeding grounds for several species of fish including salmon and steelhead, as well as waterfowl, herons, egrets, tundra swans, sandpipers, tree swallows, pheasant, quail, deer, turkey, a variety of song birds, several birds of prey species including bald eagles and a myriad of wildlife and plant life that coexist on our Coon Creek properties today. During the 2002-2003 upland game bird season, Lakeview Farms raised over 30,000 game birds and released 6,504 pheasants in Placer County that were not harvested by our members but allowed to survive and reproduce in the wild. Such releases have been an annual event at LakeView Farms since 1989. In the spring of 2003, a Fish & Game biologist documented a nesting bald eagle on the Coon Creek preserve.

This acquisition is not a stand-alone floodwater protection project; it becomes part of a 1,100-acre preserve that is protected in perpetuity from urban and industrial development. It meets the criteria set by the Department of Water Resources, Flood Protection Corridor Program, the goals set by the Placer Legacy Open Space and Agricultural Conservation Program and the restoration plan adopted by the Auburn Ravine/Coon Creek Ecosystem. Conservation at LakeView Farms is also consistent with the mandates of USDA Natural Resources Conservation Services, CALFED, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

This project meets multiple objectives including protection of biodiversity, protection of sensitive species (riparian and grasslands), agricultural conservation, passive recreation (hunting and fishing) and public safety (protecting the Coon Creek floodplain). It preserves agricultural land and open space in an area of increasing commercial development pressures.

LakeView Farms' properties do not sit idle once a conservation easement closes. LakeView Farms has committed to a renewable 25-year habitat and wetlands management plan on all its' Coon Creek restoration projects. Hunting and fishing are compensatory land-management tools that allow us to fund our ongoing habitat restoration and management programs. Our recreational activities allow us make a living off our land, to protect our properties from development, and to preserve open space, things we could no longer do if our activities were limited to a single agricultural component. In recognition of our conservation efforts, the Placer County Planning Department recently wrote, "This reach of Coon Creek supports some of the most extensive and best developed mixed riparian forest habitat in Western Placer County."

The US Environmental Protection Agency recently approved the D13 North Modified alignment for the Highway 65 Lincoln Bypass project. This alignment was approved on the condition that the State of California (CalTrans) acquire approximately \$3.9 million worth of conservation easements along the Coon Creek watershed near West Wise Road. This acquisition helps to meet that requirement

Before closing, I would like to briefly address the concerns recently voiced by a Loomis resident regarding upland game bird hunting seasons, the use of lead shot on our properties, and noise issues.

The 137-acre parcel we are discussing today is located on Waltz Road in Western Placer County. It is located approximately ½ mile from a very large recreational shooting facility. The nearest noise receptor, a farm residence on Dowd Road, is more 1 ¼ miles away. Our two nearest neighbors

recently testified at a public hearing that the noise generated from this particular shooting facility can be heard at times but it is not a nuisance. On a similar project involving Minor Use Permit 2842, the Division of Environmental Health recently determined that the noise generated by a shotgun discharged at a distance of 1/3 of a mile away and allowing for certain buffers, would be less than 50 decibels. Placer County uses a 55-decibel standard for projects of this type. The Inverse Square Law says: For every doubling of the distance away from the point source emitter, (in this case a shotgun), the sound pressure levels will be reduced by 6 decibels. Using this law, one can very conservatively estimate that any noise generated by the discharge of a shotgun at this distance would be less than 42 dB at the nearest noise receptor 1 ¼ miles away.

The CA Department of Fish & Game (DFG) regulates Private Licensed Game Bird Preserves. In the early 1950,s the Department of Fish & Game created the regulations that govern private licensed hunting clubs today. A component of those regulations require that facilities such as LakeView Farms raise and release the upland game birds hunted on its' properties. As I mentioned earlier, during the 2002-2003 season, Lakeview Farms raised over 30,000 game birds and released 6,504 pheasants in Placer County that were not harvested by our members but allowed to survive and reproduce in the wild. The Department of Fish & Game recognizes the contributions made by game bird facilities and has encouraged their existence by providing for an extended hunting season since 1951..

State and federal laws regulate the use of lead shot. Lead shot does threaten certain waterfowl when ingested and by law cannot be used in the taking of waterfowl. In a staff report to the Placer County Board of Supervisors dated September 25, 2003, the Placer County Division of Environmental Health states: "Lead in the form of shot is a non-soluble, inert metal when left in the open environment. It is not considered a threat to contaminate surface or groundwater". None-the-less, we voluntarily agreed to reclaim and recycle lead shot from an approved sporting clay shooting facility that is located approximately one mile from this parcel. LakeView Farms maintains a very strict safety standard and enforces state and federal law on its preserves.

We will continue to provide hunting and other recreational opportunities at

LakeView Farms along with outdoor educational opportunities for Placer Schools and organizations such as Boy Scouts and 4-H. Access for community organizations (e.g. Audubon Society, Auburn Ravine/Coon Creek Planning Group) and the general hunting public is provided by a reservation system throughout the year. Most importantly, we will continue to forever protect our lands and our wildlife from residential and commercial development,

Thank you very much.

We will now open the hearing to public questions and comments from the floor.

Hi my name is Kirk Scilacci I am a land owner just to the immediate west of the proposed project. I have some concerns and some comments, one of our concerns has been all along has been seepage our property is about 6' lower in that area than the proposed project that Mr. Norris has. We do have seepage problems now that we kind of deal with with the other farmers. When we see them going in to work ground we need to go in there and kind of work ground simultaneously with them to eliminate some of those problems. At harvest time if we drain sooner than they do we usually have to wait until we can harvest parts of the field because we still have seepage coming in from those parcels next to us. He showed a picture here and stated that he keeps and holds water through April and that's the months March and April when we are trying to work ground and plant so that's a concern to us that that water will continue to seep through there and we will not be able to farm good portions of the property that borders that. The other comment I have is on the flood control aspect of the project, the way the property is laid out now it has rice levees that go through there and when the water comes up it goes breaches those levees and then it is held within those levees and then if those levees are removed and even though they are going to make some meandering channels and things like that it is not going to be able to hold as much water as it does today in its present state. And as far as flood protection for downstream, probably the best flood protection that exists

right now is the South Sutter Canal which borders the west portion of our property and it has a breach if you will for Coon Creek and one for Waltz Road and the water on our property can back up into I can show you on the picture with 10 to 15' of water in the rice fields which takes a while for that water to you know funnel through that breach in that south Sutter canal so I mean our property and that south Sutter canal is actually what is protecting downstream in high flow times. And I think also the added capacity of the rice fields now that with the levee systems that are through there actually do more to control flooding than would meandering channels and a few ponds that would hold a few acre feet of water. That's my comments for right now. Thank You.

Bonnie Ross: OK

Bonnie my name is Richard Ross much easier than Kirk's name and I represent Kirk Scilacci with regard to the continuing Lakeview development, I will object one more time to the tiered projects that we have out on Coon Creek and because this is perhaps a new agency and we are not acquainted with the totality of this project let me step back. The rice ground in the pictures that you saw earlier were historically upland grazing ground the Silla brothers came in and changed that into rice ground. It is not historic wetlands, we are not talking about restoring historic uses of that property or history habitat. We are talking about creating Disneyland, artificial habitat. The Silla brothers had that rice ground, the rice grounds was bought by some folks called the Becktels that run a little engineering company around the world. When the county did it's study on this project and wrote in April, I think of April of 2002, the initial staff report suggesting the easement that we are talking about today, the report comments that the initial field study had been done in April of 2001 at which point this land was still owned by the Becktels more specifically SDBJ, which stands for Steven Davis and Becketl Jr. Land, LLC, so the land was still held by Becketl. When the county did it's study here the upper portions those two bigger parcels above this

138 which we heard earlier are going to be the second phase of this development are still as I understand it owned by Becktel's. We have presented to the county the interlocking easements between Becketls and Lakeview as to the interchanging rights to use the land for hunting and training dogs and what have you. This is a hunting club. Another portion of this project or these tiered projects which we currently have on appeal is the building of the hunting lodge on this contiguous piece of property. A rather huge hunting lodge with dining as I recall for 165 people, 185 car or vehicle parking lot including an RV lot retail space. They say there is no restaurant but one of the conditions is that they get a restaurant permit from the County of Placer so one assumes there must be some restaurant component with this dining facility. Special events 4 nights I think have been the estimate with weddings, fundraisers, it has been equated by the county as a county club. They also have approved 19 trap and skeet stations which I think they testified that could accommodate something in the neighborhood of up to 60 shooters at one given time and part of the approval as I understand and again this is not really here today is a sporting clay course which of course is moveable anywhere on the facility which would theoretically would mean that this sporting clay course could be moved out to this facility we are talking now. Now we heard comment by Mr. Norris earlier that this is an agricultural preserve, I would note that we have given to the county earlier the recorded easements that are on record in this county to date the easements tend to expressly prohibit all agricultural activity, specifically the NRCS easement which covers all land owned by Lakeview through I guess the end of last year expressly prohibits the introduction of animals, the grazing of animals, the planting, harvesting, tilling of any crop, any mowing, gathering firewood, all that is allowed is hunting and fishing. I believe the county proposed the easement expressly prohibits any cultivation of crops and only allows grazing. But the county report as I recall says as of June of this year that there is no rice on that property. And I was interested to see Mr. Norris's photograph today showing rice is currently in cultivation because the staff report by the county shows it is not

currently being used in agriculture and has no rice and it is ready for grazing. One would also note that in the pictures that there are no fences and, as one who raises cattle myself, I find fences very useful in keeping cattle in. Now we have the comment also by Mr. Norris that the property was determined to be a current agricultural operation by the County of Placer justifying putting it into the Super Williamson Act. I would note that the published notice from the county in December of last year noted that it was an ongoing agricultural operation because they currently raise 44,000 birds on that piece of property. I would invite anyone to show me any evidence that there are any birds being raised on that facility, those birds are being raised at Mr. Norris's house at Sheridan. 44,000 birds is a confined animal facility, they have no permit, they have no waste discharge permits, there is no current agriculture there and I if the county wants to say it is I guess I can't stop them from saying it but I would certainly ask them for any kind of evidence that they have. What we had pictures of this morning were swamp. That is not conducive to grazing. It certainly isn't cultivated agriculture. What we are cultivating is a giant source of plant pests for the neighboring ranches in an era where we are faced more and more with Exotic Newcastle and West Nile and Equine Encephalitis, we've got more mosquito base, we've got pathogens that are undetermined that are out there, we've got lead shot, we have noise, the nearest neighbor isn't on Dowd Rd., Mr. Scilacci doesn't live more than a quarter of a mile from this parcel. There has been no CEQA review of this combined project and we would ask that this project which will put this parcel out of agriculture in perpetuity and convert it to a new environment be subject to CEQA review. And might I ask how long the record will be open?

Bonnie Ross - 30 days

And would it be possible to receive the report that was apparently read by the county as to what the scope of the project is. I'm seeing a nod, if you could send

it to me at the address on the sign up sheet I would appreciate it. I have no further comments.

Bonnie Ross - Thank you Mr. Ross

Do you have a comment?

Don Norris - Yes I have a couple of things, Mr. Ross just got up here and spent 90% of his dissertation on projects and property that have been approved by Placer County and on appeal approved by the Planning Commission that are located nearly 1 ¼ mile from this parcel and have very little to do with this conservation easement today. He himself said historically this land was used for grazing and grazing is one of the agricultural components that we have retained on this property. We didn't retain our building rights we don't intend to develop this property, residentially or commercially, and we did not retain the rice growing component of our rights down there, but we did retain the one thing that Mr. Ross agrees with us on, the historical use of this property. Mr. Scilacci and I are business competitors in the same area down there, we compete for the same water, we compete for the same ground, in fact we have offers in on the same property right now. He and Mr. Ross have spent the last couple of years objecting to everything we do on our properties down there whether it be building our home or moving our pheasant pens because we are being relocated by a freeway or building a clubhouse, it doesn't really matter if we are preserving land or building a home on it there is an objection. I don't think they have been fair in their objections and that will come out later. But he is a business competitor. Seepage, let me put this back on here you know the Silla brothers owned this for 18 years prior to us purchasing this property and not once in 18 years - and I think you have been down there 18 years on leased land (17 years) not once did Mr. Scilacci complain of seepage to them down here in the last 17 years he's been there, he did complain to me early in 2002 and if you look

closely at this this complaint was about seepage over on this side of the property, this is the property that Mr. Scilacci doesn't own it yet, it is in escrow apparently but it hasn't closed escrow, he is attempting to buy that land right now. There were some culverts in here existing culverts and once he voiced his concerns about seepage through this levee over here we incorporated in our plan not only to remove these culverts here several culverts here that can possibly leak water onto his property. Not only are we removing those culverts in this plan it shows that up here but we are reinforcing this entire levee system right here. We moved this riparian corridor over to the center of our property and see no way that any water is going to seep into his rice operation given the construction of the new levees and the levees were designed and approved by both fish and game and the wildlife conservation board. And about the ownership of the land Mr. Ross is completely wrong in his presentation when he states about the Becktel relationship. Steve Becktel, Gary Becktel, are real good friends of mine. From day one I was the one that purchased this property Steve and I negotiated the purchase of this property Steve Becktel and I bought the property together, we still partner on the 330 acres to the north but Lakeview purchased this outright and it involves no partnership with anyone. The piece that does involve a partnership with Mr. Becktel - Steve Becktel and Gary Becktel, is not on this map but it is to the north and it is a project that we are doing a conservation easement on, we intend to do one on with Wildlife Conservation Board again and the Department of Fish and Game. Mr. Ross again misleads people about his description of our partnerships with NRCS National Resource Conservation Services everything we do down here including the development of our home, we are relocating our home, our pheasant growing operation, our clubhouse and expanding that clubhouse and that entire project has been approved by the Planning Dept. approved by the Zoning Administrator, that was appealed, that approval was appealed by Mr. Ross and Mr. Scilacci. The Planning Commission heard that appeal it delayed us another 6 or 7 months, that appeal was voted unanimously, the Scilacci appeal was denied unanimously by

the Planning Commission. Our project was again approved by the Planning Commission in its entirety. That project again is on delay, is on appeal to the BOS. When Mr. Ross referenced that in fact the documents were submitted by Placer County stated that there was no rice growing on this particular ground, well for the last two years there had not been any rice growing because of all these appeals and these delays we opted to lease it out at the very last minute this year. Last year and the year before it was dormant so in fact last year, the year before that we left it dormant anticipating the reconstruction project. The year before that we purchased it we didn't lease it out for rice but rice was on it and once the rice was harvested we canceled the lease agreement with the owner that was created with the previous owner with the guide that was released leasing the land for rice development. There is a couple of other things too that were misstatements but I can't remember what they were. Any questions or anything that ..

Bonnie Ross: No we have that statement in the record and do you wish to say something else Mr. Ross, Mr. Scilacci?

Mr. Ross: We will address this stuff by submitting written documents the source documents, it would be best.

Mr. Scilacci: I don't want to be tit for tat here but the parcel has been farmed last year, John Hoffman farmed it last year, the year before that, the year that they purchased the land the north portion that this project doesn't include was not farmed, it is being farmed this year - Charley Matthews Jr. is farming it along with a partner, his name is Bert Hoy. As far as not complaining to the Siller Brothers we used to try to work as close as we could, they'd call me on the phone and say we're moving in and we're going to start working ground and it was up to me to make the decision to over there to start working the ground at the same time so that we could coordinate flooding and those sorts of things.

The seepage problem that I'm concerned about is to do with the upper portion of that 138 acres, we have about 70 acres of rice that is along about the middle of that parcel. The other portion where the culverts happen to be is basically a wild life area. It is an area that we graze periodically, we didn't graze it this year. And as far as being a competitor I am a farmer, I am not a hunting club. The people that hunt there are people that the Bonnefields, that I purchased the property from, are friends of theirs and I have just kind of inherited these people and out of respect for them have just let them continue to hunt. I have allowed two people to hunt and the kind of patrol and make sure and put signs up for me and things like that but as far as competing against him that is just totally false. I am not in competition with him at all I don't release birds, I don't grow birds, I don't do anything, I am a rice farmer so the birds are there because we have food for them to eat and habitat for them to nest in and what have you so that's my comments.

Bonnie Ross: It would I think it would be useful for the department in analyzing the seepage problem if you have any photos or you have some soil maps or so we will be able to see if it really is a problem that needs to be discussed again.

Kirk Scilacci: USDA or FSA takes ariel photos every year and actually some of the historical photos actually shows seepage on the property, you can see the dark line where the water is actually seeped out into the fields and I can get those and submit those.

Bonnie Ross: OK

Don Norris: May I add one last thing - it is very important, it has to do with seepage.

Bonnie Ross: OK

Don Norris: That 170 acre parcel, when it is farmed and riced is covered in 137 acres of water throughout the farming season. This project not only reinforces the levees, removes the existing culverts, and I could put that back up if you like but you have a copy of it you can see the culvert, does empty into the rice field not the riparian habitat and it provides for the strengthening and rebuilding of those culverts so there will be no and the removal of those culverts so there will be no seepage. Water for most of the year in fact for the growing and harvesting season will only be kept in that small channel in the middle of our property as opposed to 137 acres of water completely covering that property will have a small channel in the middle so if seepage was ever a concern you would think Mr. Scilacci would support this since there will be no water over there in his harvest time. I am willing to work closely with him, you see the changes on our design when he mentioned the culverts but Mr. Ross and Mr. Scilacci don't approach me as they have past land owners to work them even though I've offered. Thank you very much.

OK Gentlemen? I would like to mention that the department has received one other letter from a Marilyn Jasper with a discussion about hunting and noise that was addressed a little earlier for the record and if you could supply the department with any useful information that would help us. I have a card.

Just a point of clarification, the seepage that you are discussing, have you an idea if it goes through the culverts or are you saying

No the culverts are not located in the rice fields, those culverts - there are 6 of them - they are located south of the rice fields so the culverts aren't the problem, I'm not worried about the culverts.

Bonnie Ross: OK if you could indicate that on the pictures that would be really useful.

Richard Ross: It would be nice to have them removed because you know but that is not possible probably for the rice field itself it is the ground does this thing

Don Norris: Would you like to see the photographs?

Richard Ross: At the culverts? Yes I have a copy of it

Don Norris: This is the location right here

Richard Ross: I know exactly the location Don you said there is five of them there is actually 6

Don Norris: I didn't say there's .. How can you sit there and say that?

Bonnie Ross: I am not sure this is the right venue to do this but if no one has any other comments? Then I'll close the hearing at 11:00 thank you all for coming and would like a card Mr. Scilacci? and you can adjust any comments and be sure that you get us photos or ..

OK thank you for coming. And Julie is making a record of the proceeding and within 30 days they should be on our website. And the website is

We got that so the record is open for thirty days to submit whatever written

Bonnie Ross: Correct

Are there any other questions or comments? If not, I will now close this Public Hearing. Questions and responses will be posted within 30 days to our website - www.dfm.water.ca.gov/fpcp/ go to 2002 - 2003 Grant Solicitation.

Thank you all for coming.